

**FISHMAN MCINTYRE
BERKELEY LEVINE SAMANSKY P.C.**

STANLEY P. FISHMAN*
CHRISTOPHER E. MCINTYRE > +
LAWRENCE M. BERKELEY ^ +
MITCHELL B. LEVINE*
SCOTT D. SAMANSKY**
CASSANDRA A. WILLOCK*
SCOTT A. GROSSMAN <
PHILIP H. ZIEGLER*
ANDREW L. STERN >
PETER J. MURANO, III*
KEVIN J. DONNELLY *

DONALD M. GARSON > Of Counsel

ANN MARIE F. KANE*
MARK N. KEDDIS*
JASON J. MASTRANGELO^

120 EAGLE ROCK AVENUE
EAST HANOVER, NJ 07936
Telephone (973) 560-9000
Fax (973) 560-0060

NEW YORK OFFICE
521 Fifth Avenue, 17th Fl.
New York, NY 10175
Tel (212) 461-7190
Fax (845) 369-0673

> NJ BAR
< NY BAR
^ NJ, NY & CT BARS
** NJ & DC BARS
* NJ & NY BARS
^ NJ & PA BARS

+ Certified by the Supreme Court
of NJ as a Civil Trial Attorney

www.fishmanmcintyre.com

February 5, 2021

Via Electronic Filing

Clerk, United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

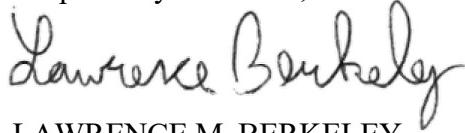
**Re: Silberman, Morris v. Costco Wholesale Corporation
Docket No.: BER-L-402-21
Our File No.: COST-128**

Dear Sir/Madam:

Enclosed please find Petition for Removal on behalf of defendant, Costco Wholesale Corporation. Please file same. By copy of this letter, we are advising our adversary of this Petition.

Thank you for your courtesy in this regard.

Respectfully submitted,



LAWRENCE M. BERKELEY
A Member of the Firm
Larry@fishmanmcintyre.com

LMB/yo
Enclosure.

cc: Clerk, Superior Court of New Jersey, Bergen County (via electronic filing)
Jared R. Cooper, Esq. (via regular email and regular mail)

**FISHMAN MCINTYRE BERKELEY
LEVINE SAMANSKY, P.C.**

Lawrence M. Berkeley – 7706
120 Eagle Rock Avenue
East Hanover, New Jersey 07936
Tel: (973) 560-9000
Fax: (973) 560-0060
Email: Larry@fishmanmcintyre.com

Attorneys for Defendant, Costco Wholesale Corporation
Our File No. COST-128

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MORRIS SILBERMAN

Plaintiff

vs.

**COSTCO WHOLESALE
CORPORATION**

CIVIL ACTION NO.

Defendant

PETITION FOR REMOVAL

Petitioner, Costco Wholesale Corporation, by its attorneys, Fishman McIntyre Berkeley Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. This case was commenced on January 19, 2021 in the Superior Court of New Jersey, Law Division, Bergen County. Suit is identified in the Superior Court as Morris Silberman v. Costco Wholesale Corporation, Docket No. BER-L-402-21. See Exhibit A.

2. Costco Wholesale Corporation first received a copy of the Complaint on or about January 19, 2021 when Plaintiff served it upon the Costco Wholesale Corporation warehouse where the incident allegedly took place. See Exhibit B.

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Costco Wholesale Corporation first received notice of the lawsuit.

4. Plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Bergen County,

asserts damages of a non-specified amount. Plaintiff, Morris Silberman, allegedly sustained injuries at the Costco Wholesale Corporation warehouse as a result of an item falling on him. As such, defendant, Costco Wholesale Corporation, believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Costco Wholesale Corporation is informed and believes that Plaintiff, Morris Silberman, is an individual citizen of the State of New Jersey. Defendant/petitioner, Costco Wholesale Corporation, is a Washington corporation and its principal place of business is 999 Lake Drive, Issaquah, Washington 98027.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Costco Wholesale Corporation, defendant in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Bergen County, Docket No. BER-L-402-21, prays that this action be removed therefrom to this Court.

Defendant, Costco Wholesale Corporation

Dated: February 5, 2021

BY: 
LAWRENCE M. BERKELEY
(LMB-7706)

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Bergen, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A, and also that the proof of service for that Complaint is annexed hereto as Exhibit B.

Dated: February 5, 2021

BY: 
LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)